

FAMILY LAW INFORMATION CENTER

Los Angeles Superior Court
Norwalk Superior Court

ORDER TO SHOW CAUSE TO ESTABLISH/MODIFY CUSTODY OR VISITATION (No emergency orders requested)

These instructions provide the basic information you need to establish or modify a child custody/visitation order. These instructions are not designed to provide you with legal advice and do not take the place of a consultation with a lawyer. If you follow these instructions, you will be able to get a court hearing at which you will represent yourself.

YOU WILL NEED THE FOLLOWING FORMS (WHICH ARE ATTACHED):

1. 1285 Order to Show Cause
2. 1285-20 Application for Order and Supporting Declaration
3. 1296-31A Child Custody and Visitation Order Attachment - Optional form
4. MC-030 Declaration
5. MC-150 Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act
6. Notice of Family Court Services Appointment
7. 1285-84 Proof of Personal Service
or
1285-85 Proof of Service by Mail
8. 1285-40 Responsive Declaration to Order to Show Cause
9. 1296-31A Child Custody and Visitation Order Attachment
10. MC-150 Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act
11. 1285-85 Proof of Service by Mail

FILLING OUT THE FORMS/ELIGIBILITY:

The documents should be typed (which is the preferable method) or printed using black ink (printing neatly and legibly). It is important that you understand the names of Petitioner and Respondent. The Petitioner is always the person who began this case by filing the first court documents. The Respondent is always the person who responds to the first court documents. The Petitioner and Respondent remain the same throughout the entire case, no matter who files documents.

IF COUNTY OF LOS ANGELES ACTION IS THE UNDERLYING ACTION:

If an action was commenced by the County of Los Angeles through the Child Support Services Department (formerly handled by the District Attorney's Office/Bureau of Family Support Services), you may be able to file an Order to Show Cause raising the issues of child custody or visitation. To be eligible, the case number must be BY 289461 or higher **AND** there is a child support order in effect. If one or both of the conditions have not been met, you will need to file additional documentation along with this Order to Show Cause. You are referred to the Family Law Information Center for further information. If both conditions are met, the caption on Form 1 should read as follows:

Petitioner: County of Los Angeles

Respondent: Name of the Respondent listed in the CSSD action

Underneath the Respondent, type or write in "Other Parent.:" and list the name of the other parent. If you are using a BY case number to file this custody action, all documents must be labeled and filed at the Los Angeles Superior Court, Central District.

THE FOLLOWING INFORMATION PERTAINS TO ALL ORDERS TO SHOW CAUSE, NO MATTER THE UNDERLYING ACTION:

To initiate the process to either establish or modify custody or visitation, it will be necessary for you to complete Forms 1-3. Carefully review and complete the forms as necessary. On Form 2 (1285-20), Item 10, you must explain either why you are requesting specific custody/visitation orders (if initiating the requested relief) or why you want to change the present custody/visitation orders (if you are requesting a modification). The Court makes its decision based on what it believes is *IN THE BEST INTEREST OF YOUR CHILD* (if it is a modification of a present Court order, the Court may be required to consider what changes have occurred since the last orders were made). Form 4 (MC-030) has been included with the packet in the event you need more space to continue with your declaration.

Form 3 is an optional form. It is best to detail the custody or visitation orders that you are requesting. This information is requested in Items 1 and 2 on Form 2. As space is limited, you may find it easier to indicate the basic information on Form 2 and then add language that says refer to Form 3 attached.

The Court generally has a very busy calendar. The Judge relies heavily on your written documents at the time of the hearing. There is no guarantee what amount of time, if any, the Judge will have available to hear oral testimony on the issues raised by you. Make sure that your explanation includes the most important information and keep it direct and short. You may include declarations from other people such as teachers, doctors, neighbors who have important information about your child. You may also attach report cards, medical records, etc. Attach copies and bring the originals to the hearing. REMEMBER: You must convince the Judge that the requested order/existing order should either be made or changed.

To assist you, we have provided a sample of various forms. They are located at the conclusion of these instructions.

IF COUNTY OF LOS ANGELES ACTION IS THE UNDERLYING ACTION:

In addition to the forms 1 - 4, you must also complete Form 5 (MC-150). For the Court to proceed with your Order to Show Cause hearing, you must advise the Court that the minor child/ren reside in Los Angeles County. It is not enough that there is an action initiated by the County of Los Angeles. Disregard this form if you do not have a BY case number.

COPY FORMS:

After you complete Forms 1-3 (Form 4 if used and Form 5 if you have a "BY" case number) make two copies of the originals and keep all of them in order.

FILE THE ORIGINALS:

Take the original forms and your two copies to the Filing Clerk (in Room 102 at the Los Angeles Superior Court or in Room 101 at the Norwalk Superior Court) and file your documents. The Clerk will keep the originals, set a Court hearing date and return the two conformed copies to you. The conformed copies will include the date, time and location of the hearing.

There is a filing fee associated with the filing of these documents, currently \$23.00 (for an initial hearing) or \$43.00 (for a modification hearing), unless you qualify for a "Fee Waiver." Separate forms to apply for a fee waiver are available through the Family Law Information Center. If you are the Respondent and this is the first paper you have filed in the case, you will have to pay the first appearance fee in addition to the fee associated with these papers (presently \$191.00). In an action commenced by the County of Los Angeles, you may initially only be charged \$23.00 or \$43.00 at the time of filing. If additional fees are owed, will be charged at a later time.

GET A FAMILY COURT SERVICES APPOINTMENT:

Before you serve any copies on the other side (the responding party), you must make an appointment for both parents to meet with a trained counselor who will try to assist you in reaching an agreement about your child/ren. Family Court Services personnel will assist you in scheduling a Family Court Services appointment with the trained counselor. You may be asked by the Family Court Services personnel to see a copy of the filed Order to Show Cause or provide the hearing date in order to verify that there is an upcoming hearing.

The Los Angeles Superior Court Family Court Services number is (213) 974-5524 and is located in Room 241 on the Second Floor of the Los Angeles Superior Court. The Norwalk Superior Court Family Court Services number is (562) 807-7271 and is located in Room 701 on the Seventh Floor of the Norwalk Superior Court. There are Family Court Services locations in other courthouses available for appointments. For further information, inquire at the Family Law Information Center.

Attendance at the Family Court Services appointment prior to the hearing date is MANDATORY whenever a party raises custody and/or visitation issues. The parties cannot waive the requirement to attend the Family Court Services appointment. If you live out of the local area, ask Family Court Services personnel what, if anything, can be done to obtain a telephone appointment. If there have been incidences of domestic violence between parents, you can request to speak with the counselor separately. Be sure to mention this before the appointment begins.

Both parties will be required to attend a Family Court Services appointment before the Court will address the custody and/or visitation issues raised in the Order to Show Cause. Only the Court can make an exception to this requirement if one party refuses to attend the appointment. Once you have the appointment, complete Form 6, Notice of Family Court Services Appointment. Sign and date the completed form. Make two copies. You must serve a copy of this form on the other party. The form does not have to be filed with the Court before service. If you prefer serving the other party with a conformed copy, take the original and two copies to the

Filing Clerk (in Room 102 at the Los Angeles Superior Court or in Room 101 at the Norwalk Superior Court). The Clerk will keep the original and return the two conformed copies to you. There is no fee for filing this document.

PACT PROGRAM (PARENTS AND CHILDREN TOGETHER):

In all contested cases involving custody and/or visitation issues relating to the minor children of the relationship, it is in the best interests of the minor child/ren that the parents participate in the program called "PARENTS AND CHILDREN TOGETHER" (PACT) for a period of four hours to minimize the substantial danger that disputes in these matters can pose to the mental and physical well-being of the child.

Los Angeles County has implemented the PACT program to provide for the speedy and inexpensive resolution of disputes involving children, and to facilitate parental cooperation in matters related to children as well as to promote the health and well-being of children.

Commencing with all Petitions or Orders to Show Cause filed on or after July 1, 1999, all parents are required to participate and complete the PACT program prior to the first custody and/or visitation hearing.

Two copies of material concerning the PACT program, including a schedule of sessions, will be provided by the Filing Clerk when you file the original documents. You will serve one set of the packet information, along with the other service documents, on the responding party. If you have already attended the PACT program, you will not need to attend the program again.

It is the responsibility of each party to obtain proof of completion of the PACT program. Bring proof of the completion to the Order to Show Cause hearing.

The Court's action on a Petition, Order to Show Cause, or request for modification will not be delayed by a non-moving or responding party's failure, refusal or delay in attending or completing the PACT program. (Local Rule 14.4.2(c)(2).

SERVE THE COPIES:

The other party must be served with a service package. A service package will consist of the following documents:

1. Conformed copy of Forms 1-3 (4 if used)
2. Conformed copy of Form 5 (If action initiated by the County of Los Angeles)
3. Copy (or conformed copy) of Form 6, Notice of Family Court Services Appointment
4. Blank Responsive Declaration (Form 8)
5. Blank Child Custody and Visitation Order Attachment (Form 9)
6. Blank Declaration Under Uniform Child Custody and Jurisdiction Enforcement Act (Form 10)
7. PACT program packet material (if this is the first time that the Court is addressing custody and/or visitation issues)
8. Blank Proof of Service by Mail (Form 11)

At least 21 days before the hearing date, you must have an adult friend or relative (NOT YOU) personally serve the other party with the service package. The Sheriff's Department can serve the other party. There will be service charge (at minimum, \$28.00) but you take a risk that they may not serve the other party in sufficient time and you may have to either start the process again or continue the hearing to allow the other party sufficient time to be served.

Under certain circumstances, the other party may be served with the service package by mail. This, however, requires a minimum of an additional five (5) days for the service (26 days as opposed to 21 days) prior to the hearing date if mailed in California. Rules vary for out-of-state service so, please check sources before electing to serve the other party by mail. Even if the service package is mailed to the other party, service must be affected by a person over the age of 18, who is not a party to this action.

PROOF OF SERVICE:

The person who serves the other party with the forms (either personally or by mail) must complete, date and sign the appropriate Proof of Service (Form 7). Once the form has been completed, make a copy.

Take the original and copy to the Filing Clerk (in Room 102 at the Los Angeles Superior Court or in Room 101 at the Norwalk Superior Court) at least ten (10) days prior to the date of your hearing. If you have not yet filed the Notice of Family Court Services Appointment, take the original and one copy with you and file the original at the same time you file your Proof of Service. Be sure to bring your conformed copy of the Proof of Service with you to Court on the date of your hearing.

HEARING DAY:

You **MUST** be on time. A calendar of cases will be posted outside of the Courtroom on the hearing date. Check your name and calendar number (located on the left-hand side of your name). The Clerk and/or Bailiff may ask you for your calendar number when you check in. When the Court is ready, listen carefully for your name and number to be called. Be prepared to answer any of the Court's questions to support your requested relief.

**IF YOU NEED TO REQUEST FINANCIAL RELIEF (CHILD SUPPORT,
SPOUSAL SUPPORT, PAYMENT OF DEBTS, ATTORNEYS FEES)
ADDITIONAL FORMS WILL BE REQUIRED**

**IF YOU ARE SEEKING EMERGENCY ORDERS, YOU WILL NEED TO
ATTACH THE FORM *TEMPORARY ORDERS* SHOWING WHAT ORDERS
YOU ARE ASKING FOR.**

**THE FAMILY LAW INFORMATION CENTER HAS VARIOUS VIDEOS
PERTAINING TO CHILD CUSTODY, SUPPORT AND THE PREPARATION
OF AN ORDER TO SHOW CAUSE APPLICATION AND DECLARATION.
YOU ARE WELCOME TO VIEW THESE VIDEOS
DURING REGULAR BUSINESS HOURS OF THE**

FAMILY LAW INFORMATION CENTER.

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